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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

In re ERIC D., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

ERIC D.,

Defendant and Appellant.

F073447

(Super. Ct. No. 15CEJ600768-1)

OPINION

THE COURT*

APPEAL from an order of the Superior Court of Fresno County. Gregory T. Fain,
Judge.

Richard M. Oberto, under appointment by the Court of Appeal, for Defendant and
Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and
Respondent.

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* Before Levy, Acting P.J., Peña, J. and McCabe, J.†

† Judge of the Merced Superior Court assigned by the Chief Justice pursuant to
article IV, section 6 of the California Constitution.

INTRODUCTION

After a Welfare and Institutions Code section 602¹ petition was filed, appellant Eric D. admitted violations of Health and Safety Code sections 11357, subdivision (a), and 11364. At disposition, the juvenile court removed him from the custody of his parents and placed him in a six-month inpatient treatment program; terms and conditions of probation were imposed. Eric appeals from the disposition order. Appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436. We affirm.

FACTUAL AND PROCEDURAL SUMMARY

On August 29, 2015, at 10:56 p.m., a law enforcement officer encountered Eric and another juvenile in a ponding basin in the Kerman area. There was no adult present and the officer stopped and made contact with the juveniles. While the officer attempted to speak with Eric, he noticed that Eric's pupils were dilated, he was talkative and not making sense, and he had a green coating and raised blisters on his tongue.

The officer asked Eric if he had used any illegal substances that evening and Eric responded affirmatively. Eric admitted smoking marijuana and "crystal meth." Eric was placed under arrest and searched incident to the arrest. Eric had marijuana in a pocket and a glass pipe with "methamphetamine burnt residue" in his possession.

On September 16, 2015, Eric was in class at Kerman High School. When the teacher walked over to him, he slammed a textbook closed. The teacher opened the textbook and found what Eric stated was "wax," a street name for concentrated cannabis. A police officer was dispatched and Eric was arrested.

On December 4, 2015, a section 602 petition was filed against Eric alleging three counts. The petition alleged that Eric had violated Health and Safety Code sections 11357, subdivision (a), possession of concentrated cannabis (count 1); 11550,

¹ References to code sections are to the Welfare and Institutions Code unless otherwise specified.

subdivision (a), being under the influence of a controlled substance (count 2); and 11364, possession of drug paraphernalia, a pipe (count 3).

On February 9, 2016, Eric admitted the count 1 and count 3 allegations. The count 2 allegation was dismissed on motion of the People. The juvenile court ordered that Eric be evaluated for drug treatment.

The February 25, 2016, disposition hearing was continued as the screening for drug treatment was not completed.

The probation report prepared for disposition documented an interview with Eric, where he admitted to regular use of alcohol, methamphetamine, marijuana, and cocaine. Eric indicated he usually obeyed the curfew set by his parents, but admitted he left home for one day and did not return until the following day. Eric's mother reported that Eric had left home and been gone all night twice without telling his parents. Eric's parents indicated they were unaware of Eric's drug use until his first arrest; they believed he needed "intense drug counseling."

On March 14, 2016, Eric failed to appear for his disposition hearing. Both Eric's parents were present and indicated Eric "ran away." The juvenile court issued a bench warrant.

On March 15, 2016, Eric was in custody and appeared in juvenile court. The juvenile court ordered that Eric be detained pending the disposition hearing.

The final disposition hearing was held on March 16, 2016. The probation officer had prepared an addendum for the disposition hearing. The addendum reported that Eric's mother contacted the probation office to tell them that Eric was leaving home without permission and not returning to sleep. The school had told mother that Eric was not "looking good" health wise and mother believed Eric was "abusing drugs." The addendum report included the probation officer's recommendation that Eric be placed in an inpatient substance abuse treatment program.

At the March 16, 2016, disposition hearing, Eric's counsel requested a continuance. Counsel wanted a "contested disposition" where he could call witnesses and question the basis for the probation department's recommendation for inpatient substance abuse treatment. Counsel opined that inpatient treatment was "significant" and that Eric should first be afforded the opportunity to complete an outpatient program.

The juvenile court denied the request for a continuance. The juvenile court noted that it had read the disposition report, the addendum, and the screening report. The recommendation from the screening report was that Eric had such an "extensive" drug problem that he needed "immediate intervention."

The juvenile court also heard argument from all parties as to the proposed disposition. Eric's father was not present at the hearing; Eric's mother requested outpatient treatment, but indicated "[w]hatever you decide is fine"; the People requested inpatient treatment because of the extent of Eric's substance abuse; and Eric's counsel requested outpatient treatment.

The juvenile court found that the welfare of Eric required that he be removed temporarily from the custody of his parents and that he had a maximum possible confinement of one year and two months; Eric was placed on supervised probation until April 2017. The juvenile court committed Eric to the substance abuse unit for 180 days and imposed terms of probation that Eric was to follow upon his release from the unit, including obeying a curfew and not running away or staying away from the home of his parents; attending school regularly; and not using alcohol or illegal substances. The juvenile court stated that it had adopted the recommendation of the addendum report and the drug screening committee.

On March 23, 2016, Eric filed a notice of appeal challenging the disposition order.

DISCUSSION

Appellate counsel filed a brief pursuant to *People v. Wende*, *supra*, 25 Cal.3d 436 on August 12, 2016. That same day, this court issued its letter to Eric inviting

supplemental briefing. No supplemental brief was filed.

Eric's notice of appeal challenges the disposition order, with specific reference to the inpatient substance abuse treatment. Section 730 provides a juvenile court with "broad discretion in establishing conditions of probation in juvenile cases." (*In re Christopher M.* (2005) 127 Cal.App.4th 684, 692.) Section 730, subdivision (b), provides that when a minor is adjudged a ward of the juvenile court and placed on probation, the juvenile court "may impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced."

Here, Eric admitted using alcohol, marijuana, methamphetamine, and cocaine. His mother had called the probation office to report Eric was leaving home without permission and staying away all night; abusing drugs; and the school had concerns about Eric's health. The drug screening report recommended inpatient treatment for Eric and the juvenile court adopted the recommendation. Minors who commit crimes are to receive the care and treatment that holds them accountable and is appropriate for their circumstances. (*In re Oscar A.* (2013) 217 Cal.App.4th 750, 756.)

The juvenile court did not abuse its discretion in ordering a six-month inpatient substance abuse treatment program; it reasonably addressed Eric's extensive substance abuse problem. (*In re Shaun R.* (2010) 188 Cal.App.4th 1129, 1142-1143.)

DISPOSITION

The March 16, 2016 disposition order is affirmed.